

translation). At page 22, [0020] is a description of forming the pack agent by spreading on the base fabric. Each of examples 1-19 and comparative examples 1-5, exemplify a pack formed on a base fabric. A base fabric is a supporting layer. The sheet-like pack of JP '527 **has a supporting layer.**

As such the reference clearly teaches the presence of a supporting layer and therefore fails to disclose or suggest a cosmetic sheet having no supporting layer.

In contrast the present invention is directed to a sheet cosmetic comprising a single-layered aqueous gel sheet having **no supporting layer**. The **claim limitation** of “**no supporting layer**” is not found in the cited reference as mentioned above. Because the **claim limitation** of no supporting layer is not found in the cited reference, the claimed invention is simply not made obvious from the reference.

To establish a *prima facie* case of obviousness, three **basic** criteria must be met. First there must be some **suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a **reasonable expectation of success**. Finally, the prior art reference (or references when combined) must teach or suggest **all the claim limitations**. (M.P.E.P. 2143) (emphasis added)

As the cited reference fails to disclose or suggest **the claim limitation of no supporting layer**, the present invention is clearly not *prima facie* obvious over the cited reference.

In addition, there is no motivation found in the cited reference, to provide a sheet cosmetic having no supporting layer, as the reference clearly teaches that a supporting layer must be present. There is no motivation to provide the claimed sheet cosmetic which has **no supporting layer**. Thus, the claimed invention is clearly not obvious over the cited reference.

Finally, there would have been no expectation of successfully forming a sheet cosmetic having no supporting layer, as the cited reference teaches that a supporting layer

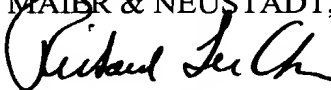
must be present. In the absence of any expectation of successfully forming a sheet cosmetic having no supporting layer, the claimed invention is clearly not rendered obvious by this reference.

The cited reference fails to 1) disclose all of the elements of the claimed invention; 2) provide any motivation to provide the claimed invention; and 3) fails to provide any expectation of successfully providing a sheet cosmetic having no supporting layer. The claimed invention is certainly not rendered obvious by this reference. Withdrawal of the rejection under 35 U.S.C. § 103 (a) is respectfully requested.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Richard L. Chinn, Ph.D.
Registration No. 34,305



22850

Telephone: (703) 413-3000
Facsimile: (703) 413-2220
RLC:dbl